

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

In re MICHAEL J., a Person Coming
Under the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL J.,

Defendant and Appellant.

A123900

(Contra Costa County
Super. Ct. No. J08-00320)

Defendant Michael J. appeals from the juvenile court's jurisdictional and dispositional orders. His appointed counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), in which he raises no issue for appeal and asks this court for an independent review of the record. (See also *People v. Kelly* (2006) 40 Cal.4th 106 (*Kelly*).) Counsel has represented that defendant has been informed of his right to file a supplemental brief. We have received no such brief.

Having reviewed the entire record in accordance with *Wende*, *supra*, and *Kelly*, *supra*, we agree with counsel that no arguable issue exists on appeal. Accordingly, we affirm the juvenile court's orders.

FACTUAL HISTORY AND PROCEDURAL BACKGROUND

On November 3, 2007, defendant was an uninvited guest at a birthday party in Concord. He entered the residence and was involved in a group attack on a single individual. The victim was stabbed numerous times and was punched and kicked while

lying on the floor. Defendant admitted he had tried to punch the victim, but claimed he acted in self-defense and that the punch did not make contact. He also denied taking part in the group attack on the victim.

On March 4, 2008, a petition was filed pursuant to Welfare and Institutions Code section 602, subdivision (a) alleging that defendant had committed an assault by means of force likely to produce great bodily injury (Pen. Code, § 245, subd. (a)(1)) along with an enhancement for great bodily injury (Pen. Code, § 12022.7, subd. (a)) (count one); and had committed first degree residential burglary (Pen. Code, §§ 459, 460, subd. (a)) (count two).

On October 21, 2008, the petition was amended by adding a charge of felony second degree burglary (Pen. Code, §§ 459, 460, subd. (b)) (count three). Defendant entered a no contest plea to count three, and the juvenile court dismissed counts one and two. As such, on December 1, 2008, the juvenile court adjudged minor a ward of the court, sentenced to serve 65 days in juvenile hall with credit for time served, and placed him in the custody of his parent and in the juvenile electronic monitoring program. He was also placed on a 2:00 p.m. curfew on school nights and on 8:00 p.m. on weekends. Restitution was reserved. On January 22, 2009, the court modified the curfew to be 7:00 p.m. on school nights and 10:00 p.m. on weekends. This appeal followed.

DISCUSSION

Neither appointed counsel nor defendant has identified any issue for our review.

Upon our own independent review of the entire record, we agree none exists. (*Wende, supra*, 25 Cal.3d 436, 441–442; see also *Kelly, supra*, 40 Cal.4th 106, 123–124.)

Defendant was represented by counsel and received fair jurisdictional and dispositional hearings. Substantial evidence supports the juvenile court's finding of second degree burglary. Moreover, the juvenile court acted within its discretion in imposing certain conditions of probation on him. (Welf. & Inst. Code, § 730, subd. (b).) In particular, we note the 2 p.m. curfew on school nights was imposed for a brief period of time only, to help defendant improve his academic performance. Having ensured minor received

adequate and effective appellate review, we thus affirm the juvenile court's jurisdictional and dispositional orders.

DISPOSITION

The jurisdictional and dispositional orders are affirmed.

Graham, J.*

We concur:

Marchiano, P. J.

Margulies, J.

* Retired judge of the Superior Court of Marin County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.